

**City of Miami Beach - City Commission Meeting**  
**Commission Chambers, 3rd Floor, City Hall**  
**1700 Convention Center Drive**  
**July 28, 2004**

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Mayor David Dermer  
Vice-Mayor Richard L. Steinberg  
Commissioner Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Luis R. Garcia, Jr.  
Commissioner Saul Gross  
Commissioner Jose Smith

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

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**ATTENTION ALL LOBBYISTS**

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyist's laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

**CONSENT AGENDA**

- PA1 Certificate of Appreciation/Neli Santamarina, Her Time on the Board of Adjustment. (Bower)
- PA2 Certificates of Appreciation/Employees of the Month "At Your Service Award" Winners.
- PA3 Presentation of Resolutions/Miami Beach's Selection as an All American City.
- PA4 Presentation of a \$400,000 Check/Water Projects in Miami Beach.
- PA5 Special Recognition of Unidad Refugee & Summer Youth Employee Participants. (Bower)
- PA6 D-Key to the City & Certificate of Appreciation/David Wallack, \$5,500 Donation. (Dermer)
  
- C2A Request for Approval, Purchase (1) 2004 Morbark Tornado 13 Brush Chipper, \$28,241.25.
- C2B BA 29-03/04, Supply & Delivery of Tapping Sleeves & Saddles, \$60,000.
- C2C BA 5-03/04, Records Management & Services, \$37,925.40 & Closing Fee of \$11,000.
- C2D BA 20-02/03, Citywide Microfilming & Imaging Services for Various Departments, \$65,000.
  
- C4A Ref: Land Use & Dev. Committee - Zoning of Religious Institutions in RS-4 District. (Steinberg)
- C4B Ref: Finance & Citywide Projects Committee - Funding Assistance for MBCHC. (Smith)
- C4C Ref: Marine Authority & Neigh./Community Affairs Comm. - Live a Boards/Houseboards.  
(Smith)
- C4D Ref: Planning Board - Mechanical Lifts and Parking Requirements. (Smith)
  
- C6A Report: Neighborhood/Community Affairs Committee of June 15, 2004.
- C6B Report: General Obligation Bond Oversight Committee Meeting of July 12, 2004.
  
- C7A Execute MOU, Use Miami City Ballet Building as Forward Command Post During a Hurricane.
- C7B Amend Resolutions, Provide Designated Signatories to Accounts from SMG & Administration.
- C7C Continue Application Process, Establish a National Heritage Area in Miami Beach.
- C7D Urge the MPO to Consider Approval & Funding, Traffic Impact Study of MacArthur Causeway.
- C7E Appropriate Funds, Purchase (1) 2005 Altec Crane Mounted on International Chassis.

- C7F Submit Grant Applications to Various Funding Agencies.
- C7G Accept Rank of Proposals, Group Employee Life Insurance Benefits.
- C7H Adopt City's 1-Year Action Plan for Federal Funds for FY 2004/05 (CDBG, HOME, ADDI).
- C7I Appropriate Funds, Restorative Irrigation Work at Various City Locations.
- C7J Adopt/Appropriate 3<sup>rd</sup> Budget Amendment to the Police Special Revenue Account FY 03/04.
- C7K Adopt/Appropriate 4<sup>th</sup> Amendment to the Police Confiscation Trust Fund Budget FY 03/04.
- C7L Execute Amendment, SMG Operate & Manage - Byron Carlyle, Colony & Acorn Theaters.
- C7M Establish Rental Rates for Byron Carlyle, Colony & Acorn Theaters & Other Related Activities.
- C7N Appropriate Funds, Purchase of Additional Hardware for the Q-Matic System.
- C7O Issue RFP, Collection & Disposal of Residential Solid Waste, Yard Trash & Bulk Waste.

### **REGULAR AGENDA**

- R5A **10:15 a.m. 2<sup>nd</sup> Rdg**, Amend "Human Relations," Registered Domestic Partnerships. (Garcia)
- R5B **5:15 p.m. 2<sup>nd</sup> Rdg**, Amendments to Land Development Regulations (LDR's). **5/7**
- R5C **5:15 p.m. Public Hrg**, Future Land Use Map (FLUM) Change. **5/7**
- R5D **5:15 p.m. Public Hrg**, Zoning Map Change. **5/7**
- R5E **5:15 p.m. Public Hrg**, MR Comprehensive Plan Text Amend/Compliance Agmt Approval. **5/7**
- R5F **5:15 p.m. Public Hrg**, Portofino DRI - Notice of Proposed Change. **5/7**
- R5G **5:30 p.m. 2<sup>nd</sup> Rdg**, Neighborhood Conservation District Enabling Ordinance. **5/7**
  
- R7A **5:15 p.m. Joint**, Execute Settlement Agreement, Litigation Over the Alaska Parcel.
- R7B **Joint**, Award Agreement to MC Harry, Collins Park Cultural Center Improvement Project.
- R7C **Joint**, Authorize City Manager/To Select, Negotiate, Award/Reject, Bids/Contracts, etc.
- R7D **11:00 a.m.** Grant Certificated of Appropriateness, Demolition of Existing Library at Collins Park.
- R7E **5:01 p.m.** Create Restricted Residential Parking Permit Zone 13/Lower West Avenue.
- R7F **5:15 p.m.** Authorize Conveyance of City-Owned Land to TRG-Alaska III, LLC.
- R7G **4:30 p.m.** Set Proposed Millage Rates for Fiscal Year 2004/05.
- R7H **4:30 p.m.** Set Proposed General Operating Millage Rate for Normandy Shores.
- R7I Issue RFQ, Complete the South Pointe Park Improvement Project.
- R7J Appropriate Funds, New Fire Station # 4 Construction Project & Adjacent Seawall Repairs.
  
- R9A Board and Committee Appointments.
- R9A1 Nominate Mr. Marcelo Llorente to the Personnel Board. (Cruz)
- R9A2 Nominate Mr. Alex DeGasperi to the Personnel Board. (Gross)
- R9B **10:30 a.m.** Review DRB Decision for 7100 Fisher Island Drive.
- R9C **10:40 a.m.** Presentation on the Bay Link Project by the MPO. (Bower)
- R9D **5:05 p.m.** Disc. Mitigation of Traffic Plan for the 63<sup>rd</sup> Street Flyover Removal. (Bower)
- R9E **10:50 a.m.** Disc. Funding for the Miami Beach Community Health Center. (Garcia)

### **REPORTS AND INFORMATIONAL ITEMS**

- A Submittal of GMCVB Strategic Plan & Stated Goals.
- B1 Minutes from the Performance Arts Center Trust Meeting of June 14, 2004. (Bower)
- B2 Minutes from the Bay Link Advisory Committee Meeting of June 23, 2004. (Bower)
- C **2:00 p.m.** Presentation by the MBTMA, New Shuttle Service Branding Proposals.

### **REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.**

- 2A Report of Itemized Revenues/Expenditures of RDA for June 2004.
- 3A **5:15 p.m. Joint**, Execute Settlement Agreement, Litigation Over the Alaska Parcel.
- 3B **Joint**, Ratify Agreement w/ MC Harry, Collins Park Cultural Center Improvement Project.
- 3C **Joint**, Authorize Executive Director/To Select, Negotiate, Award/Reject, Bids/Contracts, etc.



Meeting called to order at 9:26:44 a.m.

Invocation given by Father David Dueppen of St. Francis De La Sales Catholic Church.

Pledge of Allegiance led by Chief De Lucca.

**Times based on the digital recording in the City Clerk's Office**

Addendum items: Report C

**ACTION:** Motion made by Commissioner Bower to add Addendum item Report C as an emergency item to the agenda. Approved with no objections. Voice vote: 6-0; Absent: Commissioner Cruz.

Supplemental Materials:

C6B (additional Material-LTC), C7L (Revised Agreement) R7A (Additional Resolution), R7B (Resolution), R7C (Additional Information), and R7I (Resolution), R7J (Resolution).

**PA - Presentations and Awards**

**9:56:01 a.m.**

PA1 Certificate Of Appreciation To Be Presented To Neli Santamarina For Her Time On The Board Of Adjustment.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Certificate presented.

Commissioner Bower stated that Neli Santamarina has been a wonderful member of the Board of Adjustment for six years and wanted to recognize and publicly thank her for her hard work.

Neli Santamarina stated that it was her honor, her privilege and civic duty to serve the community. She thanked Neisen Kasdin for originally appointing her and this Commission for reappointing her.

**9:33:56 a.m.**

PA2 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service Award" Winners For May, June, And July 2004.

(City Manager's Office)

**ACTION:** Certificates presented.

May: Boris Rodriguez, Parks & Recreation,

June: Lisa Dixon, City Manager's Office/Office of Budget and Performance Improvement; and

July: Carolyn Chin, Police Department.

Jorge Gonzalez, City Manager, stated that each month an employee is selected for being "At Your Service." The previous month's winners select the next winners of this award from a list of nominees.

Kevin Smith, Parks and Recreation Director, stated that Boris Rodriguez is a stellar example of what Parks and Recreation is all about. He is a shining example of customer service. He explained that Boris is a resident of the Beach since he was 12 years old and a product of the parks programs. He stated that any time something needs to be done Boris is willing to do it.

Boris Rodriguez thanked everyone and stated that he loves the City of Miami Beach.

Commissioner Gross stated that Boris is the reason his son stayed in the Parks and Recreation program. He thanked Boris for all he does and for treating everyone with the same enthusiasm.

Jorge Gonzalez, City Manager, stated that Lisa Dixon has been transferred to the Office of Budget and Performance Improvement. He stated that she has been with the City for 30 years and is always willing to work City events on her own time. She also participates in the Big Brother Big Sister Program and the Goodwill Ambassador Program. She is always willing to go the extra mile.

Lisa Dixon thanked everyone for this award.

Commissioner Garcia stated that Lisa always smiles, even when working under adverse conditions. He stated that it has been great knowing her and working with her.

Police Division Chief Di Censo stated that Carolyn Chin is an outstanding Police Officer and today she is being recognized because of the repeated telephone calls from citizens that have dealt with Carolyn on the street and were very pleased by the way she went out of her way to help them. He recognized and congratulated Carolyn Chin for the outstanding job she does for the Police Department.

Carolyn Chin, Police Officer, stated that she humbly accepts the award on behalf of all the men and women who dedicate their lives to law enforcement and for those who made the ultimate sacrifice.

**9:43:20 a.m.**

PA3 Presentation Of Resolutions Of The Florida Senate And The Florida House Of Representatives By Senator Gwen Margolis And Representatives Gus Barreiro, Dan Gelber And Dorothy Bendross-Mindingall, Regarding Miami Beach's Selection As An All-America City.  
(Economic Development)

**ACTION:** Presentation made.

Mayor Dermer congratulated Representative Gus Barreiro for the great job he did on juvenile justice and thanked him for his effort and the great job he does representing the City of Miami Beach.

Representative Gus Barreiro congratulated Mayor Dermer, the Commissioners, City Manager Jorge Gonzalez, the City Attorney's Office and the residents for the outstanding work and accomplishment in receiving the recognition of the "All-America City Award." He stated that there was a resolution passed in the Senate recognizing the hard work of this Commission and the citizens in receiving this outstanding recognition. He read the resolution into the record.

**Handout or Reference Materials:**

1. Florida Senate Resolution congratulating the City of Miami Beach All-America City, dated April 1, 2004.

**9:29:26 a.m.**

PA4 Presentation By Senator Gwen Margolis, Representatives Gus Barreiro, Dan Gelber And Dorothy Bendross-Mindingall, Of A Check In The Amount Of \$400,000 For Water Projects In Miami Beach.  
(Economic Development)

**ACTION:** Presentation made.

Mayor Dermer introduced Senator Gwen Margolis.

Senator Gwen Margolis presented the City Commission with an "All-America City Award" proclamation. She also stated that she was very happy that Representative Gelber and her were able to help obtain this grant from the Water Management District. She stated that the Water Management District will present the City Commission with a symbolic check.

Mayor Dermer thanked them for the recognition given to the City of Miami Beach statewide.

Jose K Fuentes, Director, Miami-Dade Regional Service Center, stated that the City has a great lobbying team with Gary Rutledge, Fausto Gomez and Bob Levy and they do great work with the Water Management District. He stated that he would like to continue to enhance this great relationship.

**9:59:32 a.m.**

PA5 Special Recognition Of Unidad Refugee And Summer Youth Employment Participants.  
(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Recognition given.

Commissioner Bower stated that Margarita Cepeda is the Director of the Hispanic Community Center, of which Unidad is part of. There are a lot of good programs at the Center and they all work very hard on all the programs.

Margarita Cepeda, Executive Director of the Hispanic Community Center and Unidad, stated that the Center has had a summer employment program for the last three years, but this year they are hosting an international student from Croatia, the first Croatian student to participate in an international program in the United States. This program will give the summer youth participants job skills and will show them how government works in the United States.

Ivanna Yuran stated that the idea of having the students participate in this internship program in the United States came from her American professor because he recognized the bad conditions in Croatia and the fact that they needed some changes. She came to obtain new knowledge and to improve her English and working skills.

Ashley Christiani stated that she works at the Hispanic Community Center and enjoys the program.

Angela Segrera who works at the Miami Beach Community Center is learning working skills and office procedures, she likes it and has made many friends.

Omar Cuervo participates in the Summer Youth Program; he assists with computer work, filing, etc. He enjoys the work and is glad to have a summer job because he likes to be occupied in the summer.

Margarita Cepeda stated that they obtain funds from the South Florida Work Force. They also partner with organizations in Miami. She thanked the Commission for allowing her to have the

Summer Youth Program participants interact with the City Commission and requested a photograph for the kids.

The participants in the program are:

Elvis Baez, Valentina Betancourt, Ashley Christiani, Omar Cuervo, Adalberto Dominguez, George Vilella, Naida Vilella, Norlandys Hernandez, Zenaida Hierrezuelo, Maria Noa, Angela Segrera, Celia Urdanivia, and Sarahy Soca.

Handout or Reference Materials

1. Color booklet titled: "Zagreb School of Economics and Management."

PA6 Key To The City And Certificate Of Appreciation To Be Presented To David Wallack For Donating \$5,500 Dollars To Purchase A New Miami Beach Police K-9 Dog.  
(Requested by Mayor David Dermer)

**ACTION:** Item deferred.

### **CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Smith to approve the Consent Agenda; seconded by Commissioner Bower. Voice vote: 6-0; Absent: Commissioner Cruz.

### **C2 - Competitive Bid Reports**

C2A Request For Approval To Purchase One (1) 2004 Morbark Tornado 13 Brush Chipper, From Smith Brothers Contracting Equipment, Inc., Pursuant To Federal General Services Administration Contract No. GS-30F-0018N, In The Amount Of \$28,241.25.  
(Fleet Management)

**ACTION:** Award authorized. Drew Terpak to handle.

**10:05:18 a.m.**

C2B Request For Approval To Award Contracts To Hughes Supply As Primary Vendor, And A&B Pipe And Supply As Secondary Vendor, Pursuant To Invitation To Bid No. 29-03/04, For The Supply And Delivery Of Tapping Sleeves And Saddles In The Estimated Annual Amount Of \$60,000.  
(Public Works)

**ACTION:** Item separated for discussion by Vice-Mayor Steinberg.

**Motion made by Vice-Mayor Steinberg to have the Procurement Division benchmark the two bid responses against U.S. Communities Government Purchasing Alliance and award to the lower; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Cruz. Gus Lopez to handle the benchmarking. Fred Beckmann to handle.**

Vice-Mayor Steinberg stated that he is concerned that only two vendors responded to the bid and requested the Procurement Division benchmark the two bid responses against U.S. Communities Government Purchasing Alliance and award to the lower.

- C2C Request For Approval To Award A Contract To International Data Depository (IDD), Pursuant To Invitation To Bid No. 5-03/04, For Records Management And Services, In The Estimated Annual Amount Of \$37,925.40, And Closing Account Fee In The Amount Of \$11,000 Upon Termination Of Contract.

(Procurement)

**ACTION:** Item withdrawn.

- C2D Request For Approval To Award Contracts As Follows: 1) Advanced Data Solutions, Inc., For The Conversion Of Microfilming Documents To Imaging; 2) International Data Depository Inc., For The Conversion Of Folio Cards And All Other Documents To Imaging; And 3) Applied Digital Programming Technologies Inc., For The Microfilming Of Building Plans, Pursuant To Invitation To Bid No. 20-02/03, Citywide Microfilming And Imaging Services For Various Departments In The City Of Miami Beach, And The Building Department, In An Estimated Annual Amount Of \$65,000.

(Building Department)

**ACTION:** Award authorized. Phil Azan to handle.

#### **C4 - Commission Committee Assignments**

- C4A Referral To The Land Use And Development Committee - Discussion Regarding The Zoning Of Religious Institutions In The RS-4 District.

(Requested by Vice-Mayor Richard L. Steinberg)

**ACTION: Referred.** Jorge Gomez to place on the committee agenda and to handle.

- C4B Referral To The Finance & Citywide Projects Committee - Discussion Regarding Funding Assistance For The Miami Beach Community Health Center.

(Requested by Commissioner Jose Smith)

**ACTION: Referred.** Patricia Walker to place on the committee agenda.

- C4C Referral To The Marine Authority And Neighborhood/Community Affairs Committee - An Ordinance Proposing Limits On Live A Boards And Houseboats.

(Requested by Commissioner Jose Smith)

**ACTION: Referred.** Janice Pye to place on the Marina Authority agenda. Vivian Guzman to place on the Neighborhood/Community Affairs Committee agenda after the Marine Authority has heard the item. Jorge Gomez to handle.

#### **Handout or Reference Materials**

1. The second page of the "Letter to Associations, March 26, 2004" was missing from the Agenda and distributed on the Commission Floor.
2. Letter from M. Ronald Krongold dated March 29, 2004 to Jose Smith, Vice-Mayor, Re: Ordinance Proposing Limits on Live a Boards and Houseboats.
4. Letter from Amy Rabin, President Sunset Island 3 & 4, dated March 26, 1004, Re: Ordinance Proposing Limits on Live a Boards and Houseboats.



- C4D Referral To The Planning Board - An Ordinance Banning Mechanical Lifts As A Way For Developers To Meet Parking Requirements.  
(Requested by Commissioner Jose Smith)

**ACTION: Referred.** Jorge Gomez to place on the committee agenda and to handle.

### **C6 - Commission Committee Reports**

- C6A Report Of The Neighborhood/Community Affairs Committee Meeting Of June 15, 2004: **1)** Discussion Regarding A Proposal To Exchange A City-Owned Property (Municipal Parking Lot No. 4D) Located At 1625 West Avenue For A Vacant Lot Owned By The Housing Authority Located At 1231-1251 17th Street; **2)** Discussion Regarding The Following Ordinances: a. An Ordinance Amending Chapter 102 Of The City Code, Entitled "Taxation"; Amending Division IV Therein, Entitled "Tax"; Amending Article V Therein, Entitled "Occupational License Tax"; Amending Section 102-379 Therein, Entitled "Schedule Of Taxes"; Said Amendment Providing For A Five Percent Discount Toward A Subsequent Year's Occupational License If The Licensee Receives No Code Violations During The Previous Year; b. An Ordinance Amending Section 98-166 Of The City Code, Entitled: "Duty To Maintain Sidewalks And Swale Areas" By Providing A Minimum Standard Of Sidewalk Maintenance By Every Merchant, Store Keeper Or Operator Of A Business; Said Standard Being To Sweep The Sidewalk At The Opening And Close Of The Business Day; **3)** Discussion Regarding The Review And Approval Of The Placement Of A Commemorative Plaque Honoring Former Mayor Mel Richards; And **4)** Discussion Regarding The Use Of Channel 20 To Broadcast Public Service Announcements.

#### **ACTION:**

##### **Item 1.**

The Committee moved to direct the Administration to enter into discussions with the Housing Authority including a careful overview of the parking situation in the neighborhood and return to the Committee for further discussion with options and recommendations. **Christina Cuervo to handle.**

##### **Item 2a and 2b.**

The Committee moved to discontinue discussion on these items.

##### **Item 3.**

The Committee moved to approve this item and bring it to the meeting of the full Commission. See Resolution No. 2004-25608.

##### **Item 4.**

The Committee moved to have the Administration draft an LTC regarding the status of the item, detailing what the Administration has or has not done. If it is determined the item is to come back to the Committee, it is to come back with proposed standards. See LTC 177-2004.

**Supplemental Material – Additional Material - LTC**

C6B Report Of The General Obligation Bond Oversight Committee Meeting Of July 12, 2004: 1) Change Order Report; 2) Recommendation To City Commission: a) Collins Park Cultural Center A/E Award; 3) Project Status Report: a) Fire Station No. 2; b) Fire Station No. 4; c) Normandy Isle Park And Pool; 4) Informational Items: a) Updated Calendar Of Scheduled Community Meetings; b) Altos Del Mar Park Engineering Report; c) Lummus Park South Pointe RDA TIF Appropriation.

**ACTION:****Item 1.**

The Administration informed the Committee that no new change orders had been approved since the last meeting. A list of the change orders approved to date is attached as "Exhibit A" in the Commission Agenda.

**Item 2a.**

The Administration asked the Committee to recommend that the City Commission award an A/E agreement to MC Harry Associates in the amount of \$597,072.00 for the **Collins Park Cultural Campus** project, with \$108,654.00 to come from 1999 General Obligation Bond funds allocated to the Collins Park project. The scope of the project is to include renovation to Collins Park, the Rotunda, the 21<sup>st</sup> Street Parking lot, and the streetscape surrounding Collins Park. The proposed improvements are valued at approximately \$5.5 million. Services to be provided by MC Harry would include Planning, Design, Bid/Award and Construction Administration. The Committee recommended that the City Commission award an A/E agreement to MC Harry Associates in the amount of \$597,072.00 for the Collins Park Cultural Campus project, with \$108,654.00 to come from 1999 General Obligation Bond funds allocated to the Collins Park project.

**Item 3a.**

The Administration informed the Committee that the Contractor for the **Fire Station No. 2** project had completed the construction on the first phase, the Water Tank and Pump Station portion. Demolition of the old water tank was underway. Preliminary site work on the Fire Station No. 2 site to prepare for the construction of the new Fire Station had begun. It was anticipated that the construction of the new Fire Station would begin soon. After the new Fire Station No. 2 facility is complete, the renovation of the historic building.

**Item 3b.**

The Committee was told that the permit review process for the **Fire Station No. 4** project had been completed. Demolition of the existing station had already begun. The project is being priced for construction by one of the City's Job Order Contracting (JOC) contractors. Once the pricing was received the Administration would have to determine if the price was a market price. If so, the Administration would have to seek additional funding from the City Commission for the construction of the new Fire Station, hopefully at the July 28, 2004 City Commission meeting. If the price was not a market price, the project would have to be placed out to bid, which would delay the construction of the new Fire Station.

**Item 3c.**

With regard to the **Normandy Isle Park and Pool** project, the Administration informed the Committee that the Administration was working the Contractor and the Contractor's Surety to remove the contract from the Contractor's hands, and turning the project over to another contractor. The Administration told the Committee that it was estimated that construction could resume within a few months.

**Item 4a.**

The updated calendar of community meetings was presented to the Committee, but not reviewed

during the meeting.

**Item 4b.**

The Administration informed the Committee that on July 7, 2004, the City Commission had provided the Administration with direction to pursue the demolition of the two (2) historic homes in the **Altos Del Mar Park**.

**Item 4c.**

The Administration informed the Committee of an appropriation of \$127,916.00 from South Pointe RDA TIF funds for the **Lummus Park** project. This appropriation was made by the City Commission at their July 7, 2004 meeting to provide additional funding for the project within the South Pointe RDA boundaries, allowing the General Obligation Bond funds allocated to the project to be spent in other areas of the park.

**Resolutions**

- C7A A Resolution Authorizing The Execution Of A Memorandum Of Understanding Between The Miami City Ballet And The City Of Miami Beach Regarding The Use Of The Miami City Ballet Building Located At 2200 Liberty Avenue As A Forward Command Post During Specified Hurricane Conditions.

(City Manager's Office)

**ACTION: Resolution No. 2004-25634 adopted.** Ramiro Inguanzo to handle.

- C7B A Resolution Amending Resolutions No. 2000-24211, 2000-23855, 97-22375 And 97-22600, Respectively, Which Established The Bank Accounts With Citibank Federal Savings Bank, Entitled, "City Of Miami Beach/Miami Beach Convention Center" And "City Of Miami Beach/Jackie Gleason Theater" To Provide For Designated Signatories To The Accounts From SMG And The City Administration.

(Convention Center)

**ACTION: Resolution No. 2004-25635 adopted.** Doug Tober to handle.

City Clerk's note: removing Jeffrey Iserson and adding Barbara Gray, Director of Finance, Miami Beach Convention Center/Jackie Gleason Theater

- C7C A Resolution Authorizing The Administration To Continue The Application Process To Establish A National Heritage Area In Miami Beach, And Further Establishing A Steering Committee To Oversee The National Heritage Area Designation Process.

(Economic Development)

**ACTION: Resolution No. 2004-25636 adopted.** Christina Cuervo to handle.

- C7D A Resolution Urging The Metropolitan Planning Organization To Expediently Consider Approval And Funding For The Purpose Of Conducting A Traffic Impact Study Of The MacArthur Causeway, To Be Conducted Jointly By The Cities Of Miami Beach And Miami.

(Economic Development)

**ACTION: Resolution No. 2004-25637 adopted.** Kevin Crowder to handle.

- C7E A Resolution Appropriating Funds From The Water And Sewer Retained Earnings Fund, In The Amount Of \$137,245, For The Purchase Of One (1) 2005 Altec AC26-95 25-Ton Crane Mounted On An International 7400 6x4 Chassis From Altec Industries, Inc., In The Amount Of \$137,245, Pursuant To Federal General Services Administration Contract No. GS-30F-1028G.  
(Fleet Management)

**ACTION: Resolution No. 2004-25638 adopted.** Patricia Walker to appropriate the funds. Drew Terpak to handle.

- C7F A Resolution Authorizing The City Manager Or His Designee To Submit Applications For Grant Funds To The Following Agencies: 1) Office Of The Governor, Drug-Free Communities Program For Drug Eradication Programs; 2) Miami-Dade County Homeless Trust For Supportive Housing Programs; 3) Federal Mediation And Conciliation Services For Labor - Management Cooperation Program; 4) Florida Attorney General Office, For Grant Funds Provided Through The Victims Of Crime Act (VOCA); Further Appropriating The Grants If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To This Application.  
(Grants Management)

**ACTION: Resolution No. 2004-25639 adopted.** Patricia Walker to appropriate the funds if approved and accepted by the City. Judy Hoanshelt to handle.

- C7G A Resolution Accepting The Ranking Of The Proposals Received For Group Employee Life Insurance Benefits Pursuant To The Request For Proposals Issued March 24, 2004, By Arthur J. Gallagher And Co., The City's Broker For Group Employee Benefits, And Authorizing The Administration To Enter Into An Agreement With The Number One Ranked Firm, Standard Insurance Company, To Provide Group Employee Basic Life, Accidental Death & Dismemberment, And Supplemental Life Insurance Benefits; And, Authorizing The Mayor And City Clerk To Execute An Agreement Not To Exceed An Estimated Annual Premium Of \$450,000, Effective October 1, 2004 For A Period Of Three Years, With The Option To Renew For A Fourth And Fifth Year With A Contingent Rate Guarantee Upon An Incurred Loss Ratio Of 81% Or Better.  
(Human Resources)

**ACTION: Resolution No. 2004-25640 adopted.** Mayra Buttacavoli to handle.

**10:42:58 a.m.**

C7H A Resolution Adopting The City's One-Year Action Plan For Federal Funds For Fiscal Year 2004/2005, Which Includes The Budgets For The Community Development Block Grant (CDBG) Program, The Home Investment Partnerships (HOME) Program, And The American Dream Downpayment Initiative (ADDI); Authorizing The Mayor And City Clerk To Approve Agreements Necessary To Implement The CDBG Activities Of The One-Year Action Plan As Follows: Twenty-Seven (27) CDBG Sub-Recipient Agreements, Two (2) CDBG Interdepartmental Memoranda Of Understanding; Authorizing The Administration And The Office Of The City Attorney To Make Minor Non-Substantive Changes To The One-Year Action Plan Or Resulting Agreements Before Execution; Amending Certain Agreements, As Set Forth In The Body Of The Plan (Exhibit 1), To Extend The Expiration Dates Of Said Agreements; Authorizing The City Manager To Execute All Applicable Documents And Submit The One-Year Action Plan To The U.S. Department Of Housing And Urban Development (HUD) And Authorizing The Appropriation Of All Federal Funds When Received.  
(Neighborhood Services)

**ACTION: Item separated for discussion by the Administration and Commissioner Garcia. Item heard in conjunction with R9E.**

**Resolution No. 2004-25641 adopted. Action Plan amended.** Motion made by Commissioner Bower; seconded by Commissioner Smith ; Voice vote: 6-1; Opposed: Commissioner Garcia. Vivian Guzman to handle.

**Amendment:**

Motion made by Commissioner Gross that if there are unallocated funds in the NBDC Façade Program that are greater than \$100,000, (the funds have not been identified or allocated for any project) and NBDC still has the equivalent to allocate what is in this year's budget, that this year's money be awarded to the bricks for mortar program for Stanley Myers Clinic; seconded by Commissioner Garcia; Voice vote 7-0. **Vivian Guzman to handle.**

Jorge Gonzalez, City Manager, clarified his understanding of the amendment and stated that if there are uncommitted and unallocated dollars in NBDC's \$295,000 façade program to give NBCDC up to \$100,000 to allocate to the façade program and the difference be reprogrammed.

Jorge Gonzalez, City Manager, explained that the City receives Federal Funds from the Community Development Block Grant (CDBG) and annually the Administration goes through an extensive process with the Community Development Advisory Committee (CDAC) because the dollars are becoming more scarce and competitive. Since the Census of 2000, there are more cities entitled to this grant across America and the allocations are being reduced. He explained that annually the process goes through an extensive public hearing component, which has yielded what is in the package. He stated that each year, the City focuses on those areas of concerns to the community and to this Commission. The Community Development Advisory Committee (CDAC) and the Administration have tried to pay as much attention as possible to the areas of children needs, elderly needs and homeless services. He continued explaining that the program is divided into a "bricks and mortar" component where dollars can only be spent on capital improvement projects, and a "public service" component where dollars can be spent for services to the community. The package contains a consensus recommendation with a spreadsheet requested by Commissioner Garcia showing previous awards requests and the current recommendation.

Commissioner Garcia stated that this item should not be in the Consent Agenda, this is a budget item that needs to be discussed. He does not agree with the allocations to the Log Cabin and the Stanley Myers Clinic. He stated that in the future the allocation spreadsheet should be provided to the Commission and the item should be placed on the Regular Commission Agenda. **Joanna Revelo to handle.**

Jorge Gonzalez, City Manager, stated that he will provide whatever information is requested and explained that this process has been handled in the same manner that it has been handled in previous years and in addition, an LTC was provided.

Dr. Todd Narson, Community Development Advisory Committee member, spoke.

Mayor Dermer stated that this has nothing to do with the worthiness of the organization discussing the issue, but what happens is that it becomes a tug-of-war in trying to get their share and it becomes very difficult. He asked for the City Manager to explain the rationale on the distribution for the Log Cabin and the Health Center.

Jorge Gonzalez, City Manager, stated that this year, in addition to the Community Development Block Grant (CDBG), there are allocations in the General Fund for services. This information was provided to the Committee at the beginning of their evaluating process so the Committee could take this into consideration during their discussions. He stated that the Miami Beach Community Health Center award for public service component in the current year was \$20,000 for the North and \$30,000 for the South. This year's allocation was increased by \$10,000 and they still receive an allocation from the citywide account in the General Fund. The City was unable to meet their needs in the bricks and mortar component. He stated that Stanley Myers Clinic is trying to buy a building; the City is committed in pursuing G.O. Bond funds from Miami-Dade County.

Joanna Revelo, Division Director of Housing Community Development, spoke.

Commissioner Gross stated that there are \$395,000 from prior years funds for the façade project that has not been spent; a) is there a problem on the timeliness, and b) why allocate another \$115,000 for that program if they already have \$295,000 unspent.

Joanna Revelo, Division Director of Housing Community Development, stated that the money is not spent but it is committed with projects in place. She explained that these projects do have an effect on the timeliness. The department runs timeliness check during the year.

Commissioner Bower asked how much of the \$300,000 is committed.

Joanna Revelo, Division Director of Housing Community Development, stated she believes all of it is committed.

Commissioner Bower asked why not wait until they catch up before giving them funds again.

Jorge Gonzalez, City Manager, stated that the North Beach Development Corporation (NBDC) uses approximately 20% of the allocation for administrative costs and by not giving them any funds this year, it will cost them about \$26,000 to fund the administration. He explains that the previous funds are committed already.

Commissioner Bower asked for the City to provide them the \$26,000 for the administrative costs from other sources of funding.

Commissioner Garcia asked if there is any way some funds could be allocated to bricks and mortar for the Health Center.

Jorge Gonzalez, City Manager, stated that moneys can be taken from pages 2 and 3 and put in page 1, (see spreadsheet) but not the other way around (take money from page 1 and put it into pages 2 and 3).

Commissioner Garcia asked if funds from the façade program could be allocated to the Stanley

Myers Center for facilities.

Jorge Gonzalez, City Manager, stated that the City Commission can reprogram within page 1.

Commissioner Garcia suggested that the City try to get the money for Stanley Myers' because if Stanley Myers closes the number of rescue runs will increase. The amount of money being requested today will save the City ten-fold in the future.

Commissioner Smith suggested extending the Section 108 Loan by a couple of years and pay down from \$380,000 a year to maybe \$200,000 and to use those funds for these programs.

Joanna Revelo, Division Director of Housing Community Development stated that to amend the current Section 108 Loan they would need to go back to the original review panel at HUD in Washington and the original application. The City is going into the six (6) year so there are four (4) years remaining on the loan.

Commissioner Smith stated that in four (4) years the City will be saving \$380,000. He suggested asking the Federal Government to extend the loan by four (4) years to ten (10) years, to lower the payments and use the money to fund some of these organizations. **Joanna Revelo to handle.**

Joanna Revelo, Division Director of Housing Community Development, stated there could be discussions about restructuring the loan.

Jorge Gonzalez, City Manager, stated that maybe the city should try to pay it off and free up the entire \$380,000.

Commissioner Bower suggested finding other sources of funds to pay the Section 108 Loan for the next four years or maybe a part of it could be funded from other sources and free some money for the programs that need it the most.

Mayor Dermer stated that by having the Administration distribute the money rather than NBDC, it would cut out a layer of bureaucracy.

**Motion made by Commissioner Bower to move the item as it stands; seconded by Commissioner Smith. Discussion continued.**

Commissioner Gross would like to help Stanley Myers Clinic since they are going to have to move their building.

Kathryn Abbate, Executive Director of the Stanley Myers Clinic, stated that they are not getting any federal funds for construction.

Commissioner Gross stated that if Stanley Myers Clinic were allocated CDBG money for bricks and mortar it might require during the construction of the building to pay Davis Bacon wages which are significantly more expensive in some cases.

Kathryn Abbate, Executive Director of the Stanley Myers Clinic, stated that someone else is building the building and Stanley Myers is purchasing it from them.

Commissioner Smith stated that another item on this agenda [C4B] was approved to refer the Finance and Citywide Projects Committee to look into the possibility of finding other sources of funding besides CDBG to assist Stanley Myers in acquiring building purchase funding.

Commissioner Bower added to her previous motion that if the Administrative monies NBDC would be

getting can be reprogrammed, to earmark the money to Stanley Myers and not fund the façade component for this year.

Commissioner Garcia stated that he would like to discuss the Log Cabin.

Mayor Dermer stated that the South Beach façade program got to a point where there was such great success that there was no longer a need for the program. The question is, is North Beach to that point? He requested the Administration to prepare an analysis. **Joanna Revelo to handle.**

Mr. Gladstone Phillips, Director for the Log Cabin, spoke and introduced Mr. Bernie Edelstein from the Board of Directors.

Vivian Guzman, Neighborhood Services Director, spoke about the Log Cabin Training Center.

Commissioner Gross made a motion to amend Commissioner Bower's motion that if there are unallocated funds in the NBDC Façade Program that are greater than \$100,000, (the funds have not been identified or allocated for any project) and NBDC still has the equivalent to allocate what is in this year's budget, that this year's money be awarded to the bricks for mortar program for Stanley Myers Clinic; seconded by Commissioner Garcia; Voice vote 7-0. **Vivian Guzman to handle.**

Jorge Gonzalez, City Manager, clarified his understanding of the amendment and stated that if there are uncommitted and unallocated dollars in NBDC's \$295,000 façade program, to give them up to \$100,000 to allocate to the façade program and the difference be reprogrammed.

Motion made by Commissioner Garcia to transfer \$15,000 from the Homeless Program #25 to the Log Cabin Program #26. No second offered. He asked for a commitment from the City to find other funding for the Log Cabin.

Commissioner Smith asked the Administration to look into restructuring the Section 108 loan and/or restructure the payment from other sources beside CDBG, and to provide the information via an LTC, and discuss at a future Finance and Citywide Projects Committee meeting. **Patricia Walker to place on a future Committee agenda. Joanna Revelo to handle.**

Commissioner Garcia voted against the main motion and stated that he believes what is being done is immoral as far as the Log Cabin funding, and stated that this is bad politics from the Administration and does not agree at all.

Dena Bianchino, Executive Director of the ArtCenter/South Florida, spoke.

#### Handout or Reference Material

1. Document titled: "Geographic Distribution of FY 2004/05 CDBG Funds" (cover sheet and spreadsheet).

#### City Clerk's note:

#### **ONE-YEAR ACTION PLAN FOR FEDERAL FUNDS FISCAL YEAR 2004-2005**

#### **LIST OF ACTIVITIES**

1. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)** - This list of activities includes entitlement funds of \$2,118,000, reprogrammed funds of \$135,653 and estimated program income of \$500,000.

**ArtCenter South Florida - Artist Micro-Enterprise Services - \$30,000** - An incubator for local arts micro-enterprises for low to moderate-income artists to create and retain a significant number of jobs in the arts, provide vocational development and affordable subsidized studio, teaching and showroom space to low- and moderate-income artists. This activity will retain approximately \$120,000 in anticipated program income.



**Boys and Girls Clubs of Miami - Miami Beach Juvenile Program - \$45,000** - To provide a "no charge" after-school program to youth ranging in ages from 5 to 16. The programs include components such as homework assistance, educational field trips, athletic field trips, sports, league activities, and recreational activities both indoor and outdoor.

**City of Miami Beach Capital Improvements Office – Marseille Drive Streetscape - \$40,000** - To provide funding for the architectural and engineering services for the completion of Marseille Streetscape Improvement project.

**City of Miami Beach Code Compliance Division - North Beach District \$72,581** - To provide a full time Code Compliance Officer to assist in the implementation of the North Beach Economic Development Strategic Plan and the proposed North Beach Neighborhood Revitalization Strategy.

**City of Miami Beach – Housing and Community Development Division - Planned Repayment of Section 108 Principal - \$380,000** - To repay the principal balance of a HUD Section 108 loan in the amount of \$4,000,000. The loan was acquired to implement a comprehensive streetscape improvement program in the North Beach area, including Normandy Isle; and to complete construction of the North Shore Youth Center as part of a neighborhood revitalization strategy for North Beach.

**City of Miami Beach Community Development Division - CDBG Administration - \$516,100 \$523,600** - To continue to provide the necessary funding to manage, oversee, coordinate, monitor, audit and evaluate the CDBG program and sub-recipients in accordance with federal regulations. Funding includes activities to ensure compliance with federal fair housing/EEO requirements, environmental review, fiscal management, citizen participation, public information and planning and management activities. (Amended Administratively)

**Fienberg Fisher Adult and Community Education Center – After School Tutoring Program - \$20,000** – To provide after school and summer school tutoring and extracurricular mentoring services to school children through 6:00 p.m., thus providing low and moderate income parents an educational alternative for day care during the after school day hours.

**Food for Life Network, Inc. - Home-Delivered Meals - \$13,000** - To provide weekly, home-delivered prepared meals to income-eligible homebound AIDS patients in Miami Beach.

**Food for Life Network, Inc. – Home Delivered Groceries - \$13,000** - To provide home-delivered groceries to income-eligible homebound AIDS patients in Miami Beach.

**HIV Education Law Project (HELP) – AIDS/Family Law Project - \$15,000** – To provide free legal assistance to approximately 500 low and moderate-income clients in matters of public benefits, discrimination, wills/trusts, family law and landlord-tenant disputes.

**Housing Opportunities Project for Excellence, Inc. (H.O.P.E., Inc.) - Fair Housing Education Program - \$7,500** - To provide a Fair Housing Education Program. This activity will be funded through a line item in the CDBG Administration budget and will be supplemented with a \$7,500 set-aside of HOME Program Administration funds.

**Jewish Community Services - Homeless Outreach, Prevention and Employment - \$15,000** - To provide employment and job training services to promote client and family self-sufficiency for low to moderate income, situational and economically homeless individuals, homeless persons in families with children, and those in danger of becoming homeless.

**Jewish Community Services - Miami Beach Senior Center Adult Day Care Services - \$15,000** - To provide an aide to supervise day care services to frail elderly senior citizens in a structured supportive setting with daily activities, nutritionally balanced meals and therapies that provide or prolong the need for institutionalization.

**Jewish Community Services - Senior Meals on Wheels Program- \$25,000** - To partially fund drivers to deliver meals to homebound elderly participants residing in eligible target areas, and to fund a shopper to purchase necessary items for frail elders unable to shop for themselves.

**Little Havana Activities and Nutrition Centers of Dade County, Inc. - Miami Beach Elderly Meals Program - \$50,000** - To provide nutritionally balanced meals daily to Miami Beach elderly clients in a familiar surrounding where they can have access to other services provided by Little Havana Activities and Nutrition Centers of Dade County.

**Little Havana Activities and Nutrition Centers of Dade County, Inc. - Rainbow Intergenerational Child Care - \$50,000** - To provide affordable preschool day care for Miami Beach children who are income-eligible. Miami Beach senior citizens will be trained to be day care workers at the day care facility.

**Miami Beach Community Development Corporation - Housing Counseling - \$40,000** - To provide housing counseling to participants in the HOME-funded homebuyer assistance program.

**Miami Beach Community Development Corporation - Multi-Family Housing Program - \$125,000** - To provide operational funds to acquire, rehabilitate and manage rental units targeted to income-eligible persons.

**Miami Beach Community Development Corporation – Owner Occupied Home Repair Program - \$145,000** - To provide funds to low and moderate income homeowners for the rehabilitation and/or correction of code violations in order to maintain housing that is safe, decent and sanitary.

**Miami Beach Community Development Corporation - Scattered Site Home Buyer Assistance Program - Acquisition - \$80,000** - To provide scattered site home ownership opportunities to eligible first-time homebuyers in Miami Beach. The activity is expected to generate an additional \$90,000 \$80,000 in program income. (Amended Administratively)

**Miami Beach Community Development Corporation - Scattered Site Home Buyer Assistance Program - Disposition - \$80,000** - To provide scattered site home ownership opportunities to eligible first-time homebuyers in Miami Beach. The activity is expected to generate an additional \$90,000 \$80,000 in program income. (Amended Administratively)

**Miami Beach Community Development Corporation - Tenants Service Coordinator - \$20,000** - To fund a coordinator that brings together existing program services for mostly low and very low income elderly and special needs tenants.

**Miami Beach Community Health Center - Beverly Press Satellite Center - \$35,000** - To offer a full range of preventive, diagnostic and treatment services to persons of all ages, races, ethnicity and genders at the North Beach satellite.

**Funding reprogrammed via City Commission Action:**

**Miami Beach Community Health Center – Acquisition and Expansion of Stanley Myers Center Site - \$115,000** – To provide acquisition funds for the Miami Beach Community Health Center, located at 710-720 Alton Road to provide for expansion of its facilities, which will allow for additional medical, dental, and nonresidential mental health services for an increased number of patients. An additional \$102,862 in prior year funds will also be reprogrammed into this activity.

**Miami Beach Community Health Center – School Health Initiative - \$25,000** - To provide health care services to children at Fienberg-Fisher Elementary School.

**Miami Beach Methodist Child Care Center, Inc. - St. John's Child Care Center - \$15,000** - To provide reduced-fee child care scholarships to children of income-eligible families.

**Funding reprogrammed via City Commission Action:**

~~**North Beach Development Corporation – North Beach Facade Renovation Program – \$115,000**~~ – To provide matching grants to property and business owners in the designated CDBG target areas in order to rehabilitate commercial buildings and encourage economic revitalization.

**R.A.I.N. Parents, Inc. - Family Network Services: Emergency Housing Assistance - \$40,000** - To provide vouchers for emergency food, medical, child care, and housing assistance, for families with children residing in Miami Beach who have received eviction notices or who are already homeless, with peer counseling for assisting parents in making positive life changes towards self-sufficiency.

**The Shelbourne Apartment Building - Shelbourne House - \$18,000** - To provide supportive services in a secure and healthy environment to individuals living with AIDS who choose to live independently.

**South Beach AIDS Project - Positive Support - \$10,947** - To provide up-to-date HIV/AIDS information about HIV prevention, use of services, medical treatment and assistance with re-entering the work force.

**Teen Job Corps - Teen Job Training Program - \$32,525** - To employ and train eligible Miami Beach youth attending Miami Beach Senior High School to serve the North Beach community up to 10 hours per week.

**UNIDAD of Miami Beach - Senior Center - \$150,000** - To provide additional funding for the acquisition of a facility to be rehabilitated as a senior center to serve the low- and moderate income population.

**UNIDAD of Miami Beach, Inc. - Project Link - \$15,000** - To provide information and referral services, employment activities and bilingual assistance to income-eligible Miami Beach residents at the Miami Beach Hispanic Community Center.

**HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM** - This list of activities includes entitlement funds of \$1,290,580 and recaptured funds of \$225,500.

**City of Miami Beach - HOME Program Administration - \$129,058** - For management, oversight, coordination, monitoring, evaluation, staff and overhead, public information, fair housing education activities, indirect costs and planning activities. This line item includes \$7,500 set-aside for Housing Opportunities Project for Excellence, Inc. (H.O.P.E., Inc.) for a Fair Housing Education Program, which is matched by an equal amount of CDBG funds.

**Community Housing Development Organization (CHDO) Project Set-Aside - MBCDC - \$800,000** - Acquisition and/or rehabilitation, multi-unit residential. To provide rental and/or homeownership opportunities.

**Community Housing Development Organization (CHDO) Expenses (5%) - MBCDC - \$64,529 -** Funds to pay salaries, wages, and other employee compensation and benefits, rent, utilities, employee education, travel, training, communication costs, taxes, insurance, equipment, materials, and supplies.

**HOME Projects - \$522,493 -** To provide funding for rehabilitation initiatives to upgrade the housing stock in the City of Miami Beach. May also include acquisition.

**PRIOR YEARS' CDBG ACTIVITIES -** This list of activities includes prior year CDBG funded activities to be carried over and included in the activities for fiscal year 2004/05.

**City of Miami Beach CIP Office – Normandy Isle Park & Pool - \$438,848 \$438,848–** To provide for park improvements for the Normandy Isle Park & Pool. (Amended Administratively).

**City of Miami Beach Fire Department – Construction of Fire Station Number 4 - \$501,221 \$601,221-** To provide funds for the construction of the new facility for Fire Station Number 4. (Amended Administratively).

**City of Miami Beach Housing and Community Development Division - City of Miami Beach Housing Programs - \$505,975 -** To provide decent, safe and sanitary housing through matching grants to rehabilitate multi-unit buildings. Thus, continuing to upgrade the existing housing stock and maintain affordable housing.

**Log Cabin Training Center – Facility Improvements - \$173,207 –** For facility improvements and ADA accessible ramps and restrooms for the training center which provides life skills and job training for developmentally disabled adults.

**Jewish Community Services of South Florida- Miami Beach Senior Center Improvements - \$47,920 -** To provide facility improvements for the Miami Beach Senior Center which serves low to moderate-income senior citizens.

**Miami Beach Community Development Corporation – Preservation and Rehabilitation Grant Program -\$96,000 –** To provide funding for hard costs for the rehab of commercial façade improvements and the correction of code violations.

**North Beach Development Corporation - North Beach Façade Renovation Program - \$291.733 -** To provide funding for hard costs only to program providing direct grants to commercial property owners for eligible façade improvements and the correction of code violations.

**UNIDAD of Miami Beach - Senior Center - \$150,000 -** To provide additional funding for the acquisition of a facility to be rehabilitated as a senior center to serve the low- and moderate-income population.

- C7I     A Resolution To Appropriate Funds, In The Amount Of \$85,000, From Middle Beach Quality Of Life Funds In Order To Perform Restorative Irrigation Work And Install Additional Plant Material At The Julia Tuttle Eastern Interchange, Arthur Godfrey Right A Ways, Alton Road East To Indian Creek, And The Collins Avenue Center Medians, From 43rd Street North To 62nd Street.  
(Parks & Recreation)

**ACTION: Resolution No. 2004-25642 adopted.** Patricia Walker to appropriate the funds. Kevin Smith to handle.

- C7J A Resolution Adopting And Appropriating The Third Budget Amendment To The Police Special Revenue Account For Fiscal Year 2003/04 In The Amount Of \$4,000, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue Account.  
(Police Department)

**ACTION: Resolution No. 2004-25643 adopted.** Patricia Walker to appropriate the funds. Chief De Lucca to handle.

- C7K A Resolution Adopting And Appropriating The Fourth Amendment To The Police Confiscation Trust Fund Budget For The Fiscal Year 2003/04 In The Amount Of \$68,000 To Be Funded From The Proceeds Of State (\$20,000) And Federal-Justice (\$48,000) Confiscated Funds.  
(Police Department)

**ACTION: Resolution No. 2004-25644 adopted.** Patricia Walker to appropriate the funds. Chief De Lucca to handle.

#### **Supplemental Material – Revised Agreement**

- C7L A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Management Agreement Between The City Of Miami Beach And SMG For The Miami Beach Convention Center And Jackie Gleason Theater Of The Performing Arts; Said Amendment Electing To Have SMG Operate, Manage, And Promote The Byron-Carlyle Theater, The Colony Theater, And The Acorn Theater, For An Initial Two (2) Year Term, Commencing On October 1, 2004, And Ending On September 30, 2006, With An Option To Renew For Two (2) Additional One (1) Year Terms, At The City's Discretion, At An Additional Fee Not To Exceed \$40,000 Per Year; Providing Further For Payment By SMG To The City Of The Additional Capital Contribution, As Defined In Amendment No. 1.  
(Tourism & Cultural Development)

**ACTION: Resolution No. 2004-25645 adopted. Agreement amended.** Max Sklar to handle.

- C7M A Resolution Establishing Rental Rates For The Byron Carlyle, Colony And Acorn Theaters, And Other Related Activities, As Set Forth In Exhibits B, C & D Of The Commission Memorandum To This Resolution As Incorporated Herein And Attached Hereto; Said Fees Effective On October 1, 2004; And Repealing Established Rental Rates For The Little Stage (Acorn) Theater, As Set Forth In Resolution No. 2003-25306.  
(Tourism & Cultural Development)

**ACTION: Resolution No. 2004-25646 adopted.** Max Sklar to handle.

- C7N A Resolution Authorizing The Administration To Appropriate Additional Funding For The Purchase Of Additional Hardware From The Q-Matic Corporation, As Owner Of The Copyrighted Software Code For Q-Matic System, In The Amount Of \$29,528, Based On GSA Bid No. GS-07F-0017K, For Additional Electronic Displays For Customer Flow / Queuing Management System Installed In The Building Department, Including Hardware, Warranty, Implementation And Electrical Sub-Contractor Services.  
(Building Department)

**ACTION: Resolution No. 2004-25647 adopted.** Patricia Walker to appropriate funds. Phil Azan to handle.



**9:47:33 a.m.**

C70 A Resolution Authorizing The City Manager To Issue A Request For Proposals (RFP) For The Collection And Disposal Of Residential Solid Waste, Yard Trash And Bulk Waste And The Operation Of The City's Green Waste Facility.  
(Public Works)

**ACTION:** Item separated for discussion by Commissioner Garcia.

**Resolution No. 2004-25648 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz. Gus Lopez to issue RFP. Fred Beckmann to handle.

Commissioner Garcia stated that he understands that the pool of competitors for residential solid waste is at a point where there may be only two bidders.

Jorge Gonzalez, City Manager, stated that the concern is whether there are sufficient vendors who are able to bid on RFP. The Legal Department has opined that there is no language in the Vendor Ordinance which precludes any service provider from being able to bid other than the prohibition regarding election campaign contributions.

Commissioner Garcia asked if the bids come in high is there an option to continue the contract with BFI on a month-to-month basis to try to get a better deal.

Jorge Gonzalez, City Manager, stated that because of timing awarding a new contract, he has asked staff to talk with BFI about a month-to-month agreement until the procurement process can be completed. **Fred Beckmann to handle.**

Commissioner Smith stated that if there is going to be a hiatus between the time the existing contract expires and a new contract is awarded that there be an iron clad guarantee by the existing vendor that they will continue to provide good service to the City under the same terms and conditions. The City cannot be without a vendor to pick up garbage.

Jorge Gonzalez, City Manager, stated that this is what the Administration is working towards.

### **End of Consent Agenda**

**REGULAR AGENDA****R5 - Ordinances****10:31:15 a.m.**

R5A An Ordinance Amending Chapter 62 Of The Miami Beach City Code, Entitled "Human Relations," By Adding An Article IV Thereof Entitled "Registered Domestic Partnerships" Which Provides For Registered Domestic Partnerships And Sets Forth The Rights And Legal Effects Of Such Partnerships; Providing For Repealer, Severability, Codification, And An Effective Date.

**10:15 a.m. Second Reading, Public Hearing**

(Requested by Commissioner Luis R. Garcia, Jr.)

(First Reading on July 7, 2004)

**ACTION:** Public Hearing held. **Ordinance Number 2004-3451 adopted.** Motion made by Commissioner Garcia; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Cruz. R. Parcher to transmit to Municipal Code Corp. Robert Parcher to handle.

Dr. Barry Ragone spoke.

Vice-Mayor Steinberg stated that there is no attorney fees provision included in this ordinance and it will cost a lot of money for someone to seek legal remedies, if necessary.

Commissioner Smith stated that at the last Commission Meeting he suggested adding an attorney's fees provision in addition to a mechanism to enforce the ordinance. He explained that sometimes an attorney's fee provision in these types of ordinances tend to be a disincentive for people to exercise their rights. He explained that this could be discussed later, and perhaps this will need to be revisited.

Donald Papy, Chief Deputy City Attorney, spoke.

Vice-Mayor Steinberg suggested approving the ordinance and referring the issue of attorney's fee to the Neighborhood/Community Affairs Committee.

Mayor Dermer stated that if the City called both hospitals on Miami Beach, Mount Sinai Hospital and South Shore Hospital, and asked them to honor this ordinance; he feels the leadership at both of the hospitals is open-minded and would honor this ordinance. He requested the City call both hospitals before an attorney's fee is added to the ordinance. **Legal Department to handle.**

Commissioner Garcia thanked the City Commission for supporting this ordinance.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald



**9:18:14 p.m.**

R5B Amendments To Land Development Regulations (LDR's)  
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 12, "MR-Marine Recreation District," Clarifying Purpose, Providing For Additional Main Permitted Uses And Prohibiting Certain Uses, And Excluding From Floor Area Required Parking For Adjacent Properties; And Division 18, "PS Performance Standard District," Modifying Height, Number Of Stories, Setbacks, Floor Area Ratios And Allowing Required Parking In The CPS-1 And CPS-3 Zoning Districts For Defined Properties, Clarifying How Such Required Or Public Parking Relates To Floor Area And Is Allowed, And Floor Area Is Distributed, Through Covenants In Lieu Of Unity Of Title; Providing For Repealer, Severability, Codification And An Effective Date. **5:15 p.m. Second Reading, Public Hearing**  
(Page 200)

(Planning Department)  
(First Reading on July 7, 2004)

**ACTION:** Public Hearing held. **Ordinance Number 2004-3452 adopted as amended and the public hearing for Section 142-699(a), Commission Agenda page no. 213, continued to October 13, 2004 meeting at 5:15 p.m.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corp. Jorge Gomez to handle.

Gary Held First Assistant City Attorney, read changes into the record and requested items to be separated and continued, page 213, Section 142-699(a), to the October 13, 2004 meeting at 5:15 p.m. The item was separated and opened and continued without objection.

Micky Biss spoke and incorporated his remarks and written document into the record.

Gary Held, First Assistant City Attorney, spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Document submitted by Mr. Biss titled "Remarks and Comments by Micky Biss before the Miami Beach City Commission and the Miami Beach Redevelopment Agency July 28, 2004"

**9:28:16 p.m.**

R5C Future Land Use Map (FLUM) Change

An Ordinance Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For The Following Parcels, More Particularly Described In The Legal Descriptions Attached As Exhibits Hereto: 1) A Portion Of A Parcel Of Land Commonly Known As The "Federal Triangle," Approximately 450 Square Feet, From The Current ROS, "Recreation And Open Space," To The Future Land Use Category Of MR, "Marine Recreation;" And 2) A City-Owned Parcel 50-Foot Wide Fronting On Biscayne Bay, Of Approximately 4,600 Square Feet, On Block 8, South Beach Park Subdivision (A/K/A Hinson Parcel) From The Current CPS-3, "Commercial Intensive Mixed-Use," To The Future Land Use Category ROS, "Recreation And Open Space;" Providing For Inclusion In The Comprehensive Plan, Transmittal, Repealer, Severability And An Effective Date. **5:15 p.m. Public Hearing.**

(Planning Department)

**ACTION:** Public Hearing held. **Ordinance Number 2004-3453 adopted.** Motion made Vice-Mayor Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. Jorge Gomez to handle.

Micky Biss spoke and incorporated his remarks and written document into the record.

Frank Del Vecchio spoke.

Gary Held, First Assistant City Attorney, spoke.

Commissioner Smith read into the record from the Commission Memorandum, Commission Agenda page 227, "any changes to the stipulations of the deed have to be by mutual consent between the U.S. Department of Interior and the City."

Christina Cuervo, Assistant City Manager, stated that it is important to note that the City does have a letter from the United States Department of Interior giving the City a preliminary favorable review for potential exchange of land as it relates to the Federal Triangle.

Commissioner Gross stated that section 4B of the Settlement Agreement provides if the Federal Government does not give their consent, there is a way for the deal to happen anyway.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Document submitted by Mr. Biss titled "Remarks and Comments by Micky Biss before the Miami Beach City Commission and the Miami Beach Redevelopment Agency July 28, 2004"
3. Letter from Kahlman R. Fallon, Deputy Regional Solicitor, United States Department of Interior, dated May 27, 2004, to Samuel E. Poole, III, Berger Singerman, Attorneys at Law, RE: Transfer of Deed Restrictions on Approximately 4,200 Square Foot Parcel in Miami Beach, Florida

**9:37:24 p.m.**

**R5D Zoning Map Change**

An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For The Following Parcels, More Particularly Described In The Legal Descriptions Attached As Exhibits Hereto: 1) A Portion Of A Parcel Of Land Commonly Known As The "Federal Triangle," Approximately 450 Square Feet, From The Current GU, "Government Use," To The Proposed Zoning Classification MR, "Marine Recreation;" And 2) A Portion Of Lot 18 And The 10 Foot Strip Of Land Adjacent Thereto, And A Portion Of Lots 29 And 30 And The 10 Foot Strip Of Land Adjacent Thereto, Block 51 Of The Plat Of Ocean Beach Fla. Addition No. 3, From GU, "Government Use," To The Proposed Zoning Classification CPS-1, "Commercial Limited Mixed-Use;" Providing For Codification, Repealer, Severability And An Effective Date. **5:15 p.m. Public Hearing.**

(Planning Department)

**ACTION:** Public Hearing held. **Ordinance Number 2004-3454 adopted.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corp. Jorge Gomez to handle.

Micky Biss spoke and incorporated his remarks and written document into the record.

Gary Held, First Assistant City Attorney, spoke.

**Handout or Reference Materials:**

1. Notice of Ad in The Miami Herald
2. Document submitted by Mr. Biss titled "Remarks and Comments by Micky Biss before the Miami Beach City Commission and the Miami Beach Redevelopment Agency July 28, 2004."

**9:47:22 p.m.**

**R5E MR Comprehensive Plan Text Amendments And Approval Of Compliance Agreement**

A Resolution Approving A Compliance Agreement, Pursuant To Section 163.3184(16), Florida Statutes For Settlement Of Certain Administrative Litigation Styled East Coastline Development, LTD., Vs. City Of Miami Beach And The Florida Department Of Community Affairs, Case No. 02-3283GM Involving The Appropriate Language In The Text Of The Comprehensive Plan Affecting The MR-Marine Recreation District. **5:15 pm. Public Hearing.**

**ACTION:** Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2004-25649 adopted.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Jorge Gomez to handle.

Micky Biss spoke and incorporated his remarks and written document into the record.

**Handout or Reference Materials:**

1. Document submitted by Mr. Biss titled "Remarks and Comments by Micky Biss before the Miami Beach City Commission and the Miami Beach Redevelopment Agency July 28, 2004."

**9:43:53 p.m.**

An Ordinance Amending Ordinance No. 2002-3370, Which Clarified The Text Of The City Of Miami Beach Comprehensive Plan Concerning The "MR-Marine Recreation" Land Use Designation, By Amending Permitted Uses And Adding Prohibited Uses, And Clarifying The Relationship Of Required Parking To Floor Area Within Such District; Providing For Repealer, Severability And An Effective Date. **5:15 pm. Public Hearing**

(Planning Department)

**ACTION:** Public Hearing held. **Ordinance Number 2004-3455 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Steinberg; Ballot vote: 7-0. Bob Parcher to transmit to Municipal Code Corp.

**The City Clerk, within ten (10) days of adoption of this ordinance shall transmit three (3) copies to the Department of Community Affairs, and one copy each to the South Florida Regional Planning Council, and any other unit of local or state government that has filed a written request for a copy of the ordinance, and a copy to East Coastline Development, Ltd. Jorge Gomez to provide transmittal information.**

Micky Biss spoke and incorporated his remarks and written document into the record.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Document submitted by Mr. Biss titled "Remarks and Comments by Micky Biss before the Miami Beach City Commission and the Miami Beach Redevelopment Agency July 28, 2004."

**9:11:25 p.m.**

R5F Portofino DRI - Notice Of Proposed Change

An Ordinance Adopting An Amendment To The Portofino Development Of Regional Impact (DRI) Development Order, As Adopted By City Of Miami Beach Ordinance No. 98-3121, Pursuant To A Notification Of Proposed Change (NOPC) Proposed By TRG-Alaska I, Ltd And TRG-Alaska III, LLC, To Allow: (1) The Filling And Bulkheading Of The Existing Boat Basin On The Alaska Parcel; And (2) Adding Approximately 7,200 Square Feet Of Lands To The DRI; Finding That These Changes Do Not Constitute A Substantial Deviation Pursuant To Chapter 380 Florida Statutes; Providing For Transmittal, Repealer, Severability And An Effective Date. **5:15 p.m. Public Hearing.**

(Planning Department)

**ACTION:** Public Hearing held. **Ordinance Number 2004-3456 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Bower; Ballot vote: 7-0. Bob Parcher to transmit to Municipal Code Corp.

**The City Clerk is instructed to transmit a copy of this Ordinance and all Exhibits attached hereto to the Florida Department of Community Affairs (DCA), the South Florida Regional Planning Council, and the Applicant's Agents. Jorge Gomez to provide transmittal information.**

Erika Brigham spoke.

Gary Held, First Assistant City Attorney, spoke.

Micky Biss spoke and incorporated his remarks and written document into the record.

Frank Del Vecchio spoke.

## Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Document submitted by Mr. Biss titled "Remarks and Comments by Micky Biss before the Miami Beach City Commission and the Miami Beach Redevelopment Agency July 28, 2004."

**10:02: 48 p.m.****R5G Neighborhood Conservation District Enabling Ordinance**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 118, "Administration And Review Procedures," By Adopting Article XI, "Neighborhood Conservation Districts," Establish Procedures And Criteria For The Creation Of Neighborhood Conservation Districts; Providing For An Intent Statement, Qualification Criteria, And Procedures For Creating And Modifying Such Districts; Providing For Codification; Repealer; Severability; And An Effective Date. **5:30 p.m. Second Reading, Public Hearing.**

(Planning Department)

(First Reading on May 26, 2004)

**ACTION:** Public Hearing held. **Public Hearing opened and continued to September 8, 2004 at**

**5:30 p.m.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0.

Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

## Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Color flowchart of the one in the Commission Agenda on page 306, titled "Procedures for Adoption of a Neighborhood Conservation District", Updated from Land Use and Development Committee Meeting dated June 7, 2004.

**R7 - Resolutions****7:51:58 p.m.****Supplemental Material – Additional Resolution**

**R7A** A Resolution Approving A Settlement Agreement By And Among East Coastline Development, Ltd., Westside Partners, Ltd., And Other Entities Collectively Known As The "Portofino Entities," And Certain Successors In Interest That Are Part Of The Related Group Of Florida, Known As The "Related Entities," And The City Of Miami Beach And The Miami Beach Redevelopment Agency, Concerning Litigation Over Certain Parcels In The South Pointe Area Of Miami Beach Known As The Alaska Parcel, Goodman Terrace, The Hinson Parcel, Blocks 51, 52 And Block 1, And Including A Portion Of The Federal Triangle, And Authorizing The Mayor And City Clerk To Execute Such Agreement, And The Taking Of Necessary And Appropriate Steps For The Implementation Thereof. **Joint City Commission and Redevelopment Agency.**

(City Manager's Office)

**ACTION:** Item heard in conjunction with Item RDA-3A. Although a public hearing was not necessary, the Mayor asked if anyone wished to speak.

**Resolution No. 2004-25650 adopted as amended. Settlement Agreement amended.** Motion made by Commissioner Gross to cap the height at 270 feet, incorporate the changes in the document titled: "Changes to the Settlement Agreement, Exhibits and Accompanying Approvals (as of July 28, 2004)"; and also incorporated the changes in the document titled: "Blackline – compared to Agreement in July 28 Agenda"; seconded by Commissioner Bower; Voice vote: 7-0. Christina Cuervo to handle.

Mayor Dermer commended Commissioner Gross for working so hard on this issue. He stated that Commissioner Gross was extraordinarily instrumental in bringing the people together.

Jorge Gonzalez, City Manager, gave an overview of the history of the discussions and decisions.

Matt Gorson, Esq., Greenberg Traurig, et al., representing both Related and Portofino entities, introduced Mr. Thomas Daly, a principal with The Related Group (Developer). Mr. Gorson stated that at the last Commission Meeting the issue of where retail would be located was one of the topics. There is consensus that there should be retail on South Pointe Drive in block 1, the full length of the street. There should also be retail in block 51 at the eastern corner.

Mayor Dermer announced that the Public Hearing were being opened for R7A, RDA 3A, R5B, R5C, R5D, R5F, and R7F.

Micky Biss officially objected to holding all of the public hearings at one time.

Murray Dubbin, City Attorney, stated that this is addressing a global settlement of ten years or more of litigations; the settlement entails legislation action by the City Commission, which under the Florida Statute requires a public hearing. He stated that there is nothing in the Florida Statutes that he is aware of, that would require a public hearing for each particular section. He explained that in his opinion a global public hearing will address each of the individual items.

Mayor Dermer stated that to be on the safe side there will be separate and individual public hearings for each item.

Motion made by Commissioner Bower to approve the Settlement Agreement; seconded by Commissioner Smith; Voice vote: 7-0. The following amendments were included without objection: Incorporate the changes in the document titled: "Changes to the Settlement Agreement, Exhibits and Accompanying Approvals (as of July 28, 2004)"; and also incorporate the changes in the document titled: "Blackline – compared to Agreement in July 28 Agenda."

Commissioner Gross clarified that there was a handout that contains changes to the agreement and should be incorporated into the record. This is a sheet of changes accompanying approvals as of July 28, 2004.

Mr. Biss requested to speak.

Murray Dubbin, City Attorney, recommended giving Mr. Biss the opportunity to speak.

Motion made by Vice-Mayor Steinberg to reconsider the vote on R7A and RDA 3A; seconded by Commissioner Bower; Voice vote: 7-0.

Micky Biss spoke.

Arthur Malley spoke.

Erika Brigham spoke.

Micky Biss stated for the record that he is in opposition to the approval of the settlement agreement.

Mark Needle spoke.

Ana Maria Figueredo spoke.

Ken Harrison Robbins, Esq. spoke.

Gary Held, First Assistant City Attorney, stated that he was asked to clarify the evolution of the Concept Plan; it was presented to the Design Review Board and the Planning Board, both boards looked at the massing and the orientation of the buildings and they both approved it and passed it to the City Commission for adoption.

Mike Robinson spoke.

Perry Adair Esq., representing the Murano Condominium, spoke.

Frank Del Vecchio spoke.

Gary Held, First Assistant City Attorney, stated that the Legal Department has reviewed the comments filed by Mr. Biss and stated that throughout this process, the Legal Department made sure that the City was in compliance with local and state law and other applicable laws, and stated that there are no legal deficiencies in the process or the documents.

Commissioner Smith stated that one of Mr. Biss' objections was contract zoning and asked Mr. Held to explain.

Gary Held, First Assistant City Attorney, explained that contract zoning is typically where a local government would bind itself to certain approvals in exchange for a consideration. This is legal conditional zoning which means there is total flexibility and if certain things happen other things will happen. If these approvals are made, and the City is maintaining complete discretion as to whether to make them or not, the property owners will take certain actions with regard to the settlement of the pending law suits, and this is legal under Florida law.

Jerry Blair, President of Portofino Towers Condominium, spoke.

Micky Biss spoke.

Commissioner Gross moved the item and suggested that the height issue should go to the Design Review Board and if the Design Review Board takes the position that it needs to be higher than 270 feet but up to 300 feet, then that issue should come back to the City Commission and that will be considered a material change to the Concept Plan. By doing this, the City Commission will have the final decision but will have the benefit of going to the Design Review Board as the residents are requesting.

Mayor Dermer stated that a cap of 270 feet height will be incorporated in the settlement.

Matt Gorson, Esq., Greenberg Traurig, et al., objected and stated that the City Commission approved the 270 feet, the Concept Plan shows 270 feet, we have no intention of going higher than 270 feet so what we do not want to be in is a protracted situation where we have to go to DRB and they tell us to build the building higher and then have to come back to the City Commission. We are not intending to go higher than 270 feet.

Commissioner Gross responded to Mr. Biss' remarks stating that this item has been rushed. He stated that the record reflects all of the prior hearings which have been held. He explained that this process started over a year ago. He commended the residents that are here today and these are the same residents that sat through 25 to 30 meetings. He stated that it is unfortunate that Mr. Biss decided to get involved a week before the City Commission approves this settlement because there have been ample opportunities for everyone to give input. He stated that he can't think of any other issue in the City of Miami Beach's history that has had more public comments, public input, and dialogue and as a result of all the dialogue the solution is satisfactory to all the parties involved and

this is to the best interest of the residents of the City.

**9:46:12 p.m.**

**Concept Plan Resolution:**

**Resolution title read.**

**Public hearing held. Resolution No. 2004-25651 approving the Concept Plan.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. Christina Cuervo to handle.

Micky Biss requested confirmation from the City Commission that the written remarks he submitted earlier will be included as part of the record for this item and also made a statement.

Frank Del Vecchio spoke.

Commissioner Gross thanked all the residents who participated in this process. He also thanked the staff, the Legal Department, Gary Held, First Assistant City Attorney, and Christina Cuervo, Assistant City Manager. He stated that they all deserve to be recognized and commended. He also recognized and thanked the other parties.

Mayor Dermer thanked Commissioner Gross and Commissioner Smith for their participation on this difficult issue.

Murray Dubbin, City Attorney, stated that this exercise has created a precedent that never existed; the negotiations were done in public, with public input and participation in the negotiation, and this sets a model for resolution of land use issues and other public issues that will last for centuries.

Commissioner Smith stated that back in 1999 the City Commission was scolded and insulted by The Miami Herald and accused that the City did not purchased the Alaska Parcel at that time for \$7 million and predicted that there would be a "Coco-Walk" or "Bay Side" on that parcel. He stated that the City is in a position to get the Alaska parcel or substantially the entire Alaska parcel for practically nothing and this is a tremendous achievement on the part of this Commission. He commended everyone involved with the process and a legacy for future generations.

**Handout or Reference Materials**

1. Black and white, shaded, copy of the location plan, and a color copy of the concept plan, concept sections, and concept plan and section.
2. Document submitted by Mr. Biss titled "Remarks and Comments by Micky Biss before the Miami Beach City Commission and the Miami Beach Redevelopment Agency July 28, 2004."
3. Document titled "Changes to the Settlement Agreement; Exhibits and Accompanying Approvals as of July 28, 2004."
4. Document titled "Blackline – compared to Agreement in July 28 Agenda" – dated Draft 7/27/04.
5. Letter from Kahlman R. Fallon, Deputy Regional Solicitor, United States Department of Interior, dated May 27, 2004, to Samuel E. Poole, III, Berger Singerman, Attorneys at Law, RE: Transfer of Deed Restrictions on Approximately 4,200 Square Foot Parcel in Miami Beach, Florida
6. Ballots.
7. Document from Cathy Colonnese, TRG-Alaska I. Ltd., showing to whom, and where, the documents were transmitted.

**City Clerk's notes:** The following materials are referenced with agenda items: R7A/3A, R7F, R5F, R5B, R5C, R5D, R5E (Resolution and ordinance), and R7I.

**Materials**

1. White notebook containing:
  - a. Letter from Jorge M. Gonzalez, City Manager, to William L. Huie, Program Manager, Federal Lands to Parks, Southeast Region, National Park Service, dated August 9, 2004, RE: Request For



Approval Of Proposed Exchange Of Two 445 Square Foot Parcels At South Pointe Park. The letter references each of the Exhibits (Exhibits 1–9).

Exhibit 1: Location map;

Exhibit 2: City of Miami Beach Resolution 2004-25655;

Exhibit 3: 1979 Quitclaim Deed and 1980 and 1985 Corrective Deeds;

Exhibit 4: 2004 Concept Plan;

Exhibit 5: Legal Descriptions and Sketches of Descriptions;

Exhibit 6: MAI Appraisals Prepared by Quinlivan Appraisal (separately bound);

Exhibit 7: Environmental Site Assessment (conducted by ASTM Standards, Prepared by Nutting Environmental of Florida (separately bound – three (3) bound books);

Exhibit 8: City of Miami Beach Analysis of Park/Recreation Potentials of the Waterfront Exchange Parcel

Exhibit 9: Utilization Program and Development Schedule for Waterfront Exchange Parcel

- b. Letter from Jorge M. Gonzalez, City Manager, to Collier Clark, Advisory Service Manager, Office of Information and Recreation Services, Division of Recreation and Parks, Florida Department of Environmental Protection, dated August 9, 2004, RE: Proposed Exchange Of Two 445 Square Foot Parcels At South Pointe Park

**City Clerk cross reference:**

1. Included in the Agenda is a copy of the Portofino/Related – City of Miami Beach Final Term Sheet dated March 8, 2004, Black and white copy of the location plan, concept plan, concept sections, and concept plan and section.

**10:08:12 a.m.**

**Supplemental Material – Resolution**

R7B A Resolution Awarding A Professional Service Agreement To MC Harry For Planning, Design, Bid/Award And Construction Administration Services For The Collins Park Cultural Center Improvement Project, In The Amount Of \$657,072; Appropriating \$56,514 From Parking Funds For Said Agreement; Accepting And Appropriating A \$20,000 Donation From The Banana Republic Foundation For The Renovation Of The Rotunda. **Joint City Commission and Redevelopment Agency.**

(Capital Improvement Projects)

**ACTION: Item heard in conjunction with Item RDA-3B. Resolution No. 2004-25652 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Donation accepted. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

Tim Hemstreet, Capital Improvement Projects Director, introduced the item.

Commissioner Gross asked if the City retains the “right of approval” for the landscape architect. Tim Hemstreet to verify who MC Harry will be using as the landscape architect. **Tim Hemstreet to handle.**

Commissioner Gross thanked the Collins Park Oversight Committee.

**10:06:21 a.m.**

**Supplemental Material – Additional information (List of anticipated contracts to be awarded)**

R7C A Resolution Authorizing The City Manager, Or His Designee To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; Terminate Existing Contracts As Needed; From The Last Commission Meeting On July 28, 2004, Until The First Regularly Scheduled Commission Meeting In September 8, 2004, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On September 8, 2004. **Joint City Commission and Redevelopment Agency**

(Procurement)

**ACTION: Item heard in conjunction with Item RDA-3C. Resolution No. 2004-25653 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Cruz. Gus Lopez to handle any ratification item(s). Lilia Cardillo to place on the Commission Agenda.

**1:20:41 p.m.**

R7D A Resolution Following A Duly Noted Public Hearing, Granting A Certificate Of Appropriateness For Demolition Of The Existing Library At Collins Park, A Building Designated Non-Contributing, Located At 2100 Collins Avenue, In Order To Restore And Renovate Collins Park. **11:00 a.m. Public Hearing**  
(Capital Improvement Projects)

**ACTION: Public Hearing held. Resolution No. 2004-25654 adopted.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Bower. Tim Hemstreet to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

**4:49:57 p.m.**

R7E A Resolution Following A Duly Noticed Public Hearing, Creating Restricted Residential Parking Permit Zone 13/Lower West Avenue, With Boundaries As Follows: On The South, The Centerline Of 5<sup>th</sup> Street; On The North, The Centerline Of 13<sup>th</sup> Street; On The East, By Alton Court; And On The West, The Westerly Line Of West Avenue. **5:01 p.m. Public Hearing.**  
(Parking Department)  
(Continued from May 26, 2004)

**ACTION: Public Hearing held, opened and continued to the October 13, 2004 Commission Meeting at 5:01 p.m. and referred to the Transportation and Parking Committee.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Cruz; Voice vote: 7-0. Saul Frances to place and the agenda and handle. Lilia Cardillo to place on the Commission Agenda.

**5:45:59 p.m.**

**ACTION:**

Benita Argos spoke on the upper West Avenue process.

There was discussion regarding the upper West Avenue. It was recommend that in six months or at the appropriate time, send ballots to the upper West Avenue residents and handle like the lower West Avenue area was handled. **Saul Frances to handle.**

## Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

**9:01:01 p.m.**

R7F A Resolution Pursuant To A Scheduled Public Hearing Authorizing (1) The Conveyance Of Approximately 7,726 Square Feet Of City-Owned Land Contained In And Adjacent To Lots 18, 29 And 30 Of Block 51, Located Between Washington Avenue On The East, Biscayne Court To The North, Alton Road To The West And South Pointe Drive To The South, In Miami Beach, Florida To TRG-Alaska III, LLC, (2) The Conveyance Of Approximately 450 Square Feet Of The Eastern Tip Of The City-Owned Land Commonly Known As The Federal Triangle, Subject To Federal Government Approval, Located Adjacent To The Alaska Property, Adjacent To South Pointe Park In Miami Beach, Florida, To TRG-Alaska I, Ltd., And (3) The Vacation Of Approximately 4,653 Square Feet Of The Southern Portion Of The Alley Known As Ocean Court On Block 1, Located Between Ocean Drive On The East, First Street To The North, Collins Avenue To The West And South Pointe Drive To The South, In Miami Beach, Florida, To Sun & Fun, Inc. And Portofino Real Estate Fund, Ltd., And Waiving The \$5,000 Application Fee, Pursuant To The Terms Of The Settlement Agreement; Further Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements; As Required By Section 82-39 Of The Miami Beach City Code; Finding Said Waiver To Be In The Best Interest Of The City Of Miami Beach. **5:15 p.m. Public Hearing.**  
(City Manager's Office)

**ACTION:** Public Hearing held. **Resolution No. 2004-25655 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 7-0. Christina Cuervo to handle.

Micky Biss stated that the City has not complied with all the requirements of the "Shapiro Ordinance."

Murray Dubbin, City Attorney, spoke.

Frank Del Vecchio spoke.

Christina Cuervo, Assistant City Manager, stated that the City has met all the requirements of the "Shapiro Ordinance."

## Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Affidavit Notices delivered to the United States Post Office on Monday, July 19, 2004.
3. Document submitted by Mr. Biss titled "Remarks and Comments by Micky Biss before the Miami Beach City Commission and the Miami Beach Redevelopment Agency July 28, 2004."

**4:48:11 p.m.**

R7G A Resolution Setting The Proposed Millage Rates For Fiscal Year (FY) 2004/05, The Calculated "Rolled-Back" Rate, And The Date, Time, And Place Of The First Public Hearing; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.

(Budget Department)

**(Commission Memorandum and Resolution Distributed in Separate Document)**

**ACTION:** Title of the Resolution read into the record.

1) Proposed Millage Rates For FY 2004/05:

General Operating	7.299 Mills (7.299 last year)
Capital Replacement & Renewal	0.126 Mills
Debt Service	0.748 Mills (0.874 last year)
Total	8.173 Mills (8.173 last year)

2) "Rolled-Back" Rate (Truth in Millage) 6.314 Mills

3) The First Public Hearing On The Proposed Millage Rates And The Tentative Budget For FY 2004/05 Shall Be Held On Thursday, September 9, 2004 At 5:01 P.M., In The City Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

**Resolution No. 2004-25632 adopted.** Motion made by Commissioner Cruz; seconded by Commissioner Bower; Voice vote: 7-0. Jose Cruz to handle.

Jorge Gonzalez, City Manager, introduced the item.

Patricia Walker, Chief Financial Officer, gave a PowerPoint presentation.

Commissioner Gross stated that the Capital Replacement Fund needs to be segregated not to be confused with regular maintenance. It should be for bigger items such as roof maintenance, etc.

Commissioner Garcia stated that he is worries that this fund will be used for other things. He would agree to it if every year there will be a list of items to be taken care of with this fund.

Deede Weithorn, Chairperson, Budget Advisory Committee (BAC), spoke.

Mayor Dermer thanked the members of the BAC.

**5:41:05 p.m.**

R7H A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Setting 1) The Proposed General Operating Millage Rate For The Normandy Shores Neighborhood Improvement District; 2) The Calculated Rolled-Back Rate; And, 3) The Date, Time, And Place Of The First Public Hearing To Consider The Operating Millage Rate And Budget For Fiscal Year (FY) 2004/05; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.

(Budget Department)

**ACTION:** Title of the Resolution read into the record.

1) Proposed Normandy Shores Local Government Neighborhood Improvement District Operating Millage Rate For FY 2004/05:

General Operating 1.123 Mills

2) "Rolled-Back" Rate (Truth in Millage) 0.989 Mills

3) The First Public Hearing On The Proposed Normandy Shores Local Government Neighborhood Improvement District Operating Millage Rate And Tentative Budget For FY 2004/05 Shall Be Held On Thursday, September 9, 2004 At 5:02 P.M., In The City Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

**Resolution No. 2004-25633 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 7-0. Jose Cruz to handle.

Patricia Walker, Chief Financial Office, spoke.

Jorge Gonzalez, City Manager, thanked Patricia Walker, Chief Financial Officer, and Kathie Brooks, Budget and Performance Improvement Director, for a phenomenal job; he also recognized Jose Cruz, Budget Officer, Carmen Carlson, Sr. Management and Budget Analyst, Williams Gonzalez, Sr. Management and Budget Analyst, Joe Reilly, Sr. Management and Budget Analyst, and Sailyn Arce, Office Associate III. He also thanked Georgie Eckert, Assistant Finance Director, Manny Marquez, Finance Manager, and Ramon Duenas, Expenditure/Treasury Manager, from the Finance Department for the many hours they put into this budget. He also thanked the Assistant City Managers, and the Department Directors because they had to make very difficult decisions. The Budget Advisory Committee has always been very supportive but at the same time very analytical. He stated that this committee serves a very good function for the citizens. He also stated that the Mayor and the Commissioner's involvement in this year's budget has been greater than any year he has been here and it shows in the product.

Mayor Dermer thanked Jorge Gonzalez, City Manager, and everyone for their hard work.

**10:01:30 p.m.**

**Supplemental Material – Resolution**

R7I A Resolution Authorizing The Administration To Issue A Request For Qualifications (RFQ) For Architecture, Landscape Architecture, Engineering, And Construction Administration Services Needed To Complete The Planning, Construction Design, And Construction Of The South Pointe Park Improvement Project With Funding Provided By The Series 2000 General Obligation Bond, South Pointe RDA Funding, And The 1995 Parks Bond.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2004-25656 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0. Gus Lopez to issue RFQ. Tim Hemstreet to handle.

Matt Gorson, Esq., Greenberg Traurig, et al., on behalf of Related and Portofino Companies, thanked the Mayor and the entire Commission, particularly Commissioner Gross. He stated that this is a win-win negotiation. He thanked Mr. Dubbin, City Attorney, and particularly Gary Held, First Assistant City Attorney. He thanked Jorge Gonzalez, City Manager, Christina Cuervo, Assistant City Manager, and Jorge Gomez, Planning Director.

Mayor Dermer thanked everyone involved.

**10:15:03 a.m.**

**Supplemental Material - Resolution**

R7J A Resolution Appropriating Funds, In The Amount Of \$1,450,578, From The Following Funding Sources: \$777,004 From The General Fund Capital Replacement Fleet Funds For Fire Department Vehicles That Have Been Or Will Be Acquired From Other Funding Sources; \$226,972 From The 2% Resort Tax Funds; \$443,512 From The 1999 General Obligation Bond For Shorelines And Seawalls; And \$3,090 From The Stormwater Bond Fund Series 2000, To Provide Sufficient Funding To Commence Construction Of The New Fire Station No. 4 Project And The Adjacent Seawall Repairs And Restoration Scope.

(Capital Improvement Projects)

**ACTION: Resolution No. 2004-25657 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

Commissioner Smith asked if the contractor is also a seawall contractor or will that work be subcontracted. He is concerned with the cost to do the seawall work. He asked why not go directly to a seawall contractor.

Tim Hemstreet, Capital Improvement Director, stated that both jobs are very close to each other and this way one contractor controls the site.

Commissioner Smith stated that the seawall should be done first and there will not be a problem with two contractors on the site. He suggested continuing negotiations with the contractor because the price is very high. **Tim Hemstreet to handle.**

**R9 - New Business and Commission Requests**

R9A Board and Committee Appointments.  
(City Clerk's Office)

**Beach Preservation Board:**

Richard Orenstein Term expires 12/31/04 Appointed by Vice-Mayor Steinberg TL 12/11

**Community Development Advisory Board:**

Alan Lipps Term expires 12/31/04 Appointed by Commissioner Cruz TL 12/11

**Fine Arts Board:**

Judith Kaplan Term expires 12/31/05 Appointed by Commissioner Bower TL12/11

**Public Safety Committee:**

Frankie Ruiz Term expires 12/31/04 Appointed by Mayor Dermer TL 12/11

**Safety Committee:**

Melissa Vigues Term expires 12/31/04 Appointed by Commissioner Bower TL12/11

R9A1 Nominate Mr. Marcelo Llorente To The Personnel Board.  
(Requested by Commissioner Simon Cruz)

**ACTION:** Item not reached. Lilia Cardillo to place on the Commission Agenda.

R9A2 Nominate Mr. Alex DeGasperi To The Personnel Board.  
(Requested by Commissioner Saul Gross)

**ACTION:** Item not reached. Lilia Cardillo to place on the Commission Agenda.

**New Item:**

**10:12:04 a.m.**

R9A3 Nominate Mr. Arthur Unger as an Accountant To The Health Facilities Authority Board.

**ACTION:** Mayor Dermer nominated Mr. Unger; Voice vote: 6-0; Absent: Commissioner Cruz. R. Parcher to handle.

**11:46:38 a.m.**

R9B Review Of A Design Review Board Decision Approving A Request By Fisher Islands Holdings, LLC For The Construction Of An Eleven (11) Story Multi-Family Residential Building Located At the Easternmost Portion Of The Site At 7100 Fisher Island Drive On Fisher Island. **10:30 a.m. Public Hearing.**

(City Clerk's Office)

**ACTION:** Public Hearing held. **Resolution 2004-25659 adopted.** Motion made by Commissioner Smith affirming the decision of the Design Review Board; seconded by Vice-Mayor Steinberg; Voice vote: 7-0. Jorge Gomez to handle.

Commissioner Smith stated that in the future it will be helpful for the appellant to provide the City Commission with a full record with a transcript of all of the hearings, provide the Commission with the appropriate authorities and appropriate basis for the appeal.

Ava Borrasso, Esq., Shubin & Bass, representing the appellant, gave an oral presentation.

Cliff Schulman, Esq., Greenberg Traurig, representing Fisher Island Holdings, LTD, gave an oral presentation.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Emails from Christina Cuervo, Jorge Gomez, Cliff Schulman, and Thomas Mooney.
3. Letter from Jeffrey S. Bass, Esq., dated July 22, 2004, RE: Transcript of Tuesday, April 20, 2004, Design Review Board Meeting.
4. Transcript of Tuesday, May 18, 2004, Design Review Board Meeting.
5. E-mail from Thomas Mooney confirming decision of the DRB and application fee.
6. Letter from Jeffrey S. Bass, Esq., dated June 18, 2004, RE: Transcript of Tuesday, April 18, 2004, Design Review Board Meeting, RE: DRB File No. 17666-7100 Fisher Island Drive, DRB Proceedings Palazzo Del Mar – DRB Order Rendered June 1, 2004.

City Clerk's note: See LTC 170-2004 and 190-2004 transmitting the transcripts.

**12:17:19 p.m.**

R9C Presentation On The Bay Link Project By The Metropolitan Planning Organization (MPO).  
(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Presentation made. Discussion held.

Wilson Fernandez, Project Manager for the Bay Link representing the MPO, spoke.

Phil Smeley, Senior Vice-President and Technical Director of Transit, Parsons Brinckerhoff, Inc. and Project Manager for the consultant team on the Bay Link Project, gave a PowerPoint presentation.

Alfredo Sanchez from the Firm Of Bermello, Ajamil And Partners, Inc. gave a PowerPoint presentation.

Discussion held regarding project milestones, funding, City of Miami Beach approvals, and power stations and locations.

Mayor Dermer thanked the MPO team for coming and asked them to come back in six months.

Handout and Reference Materials

1. Copy of PowerPoint presentation titled: Miami-Miami Beach Transportation Corridor Study – Bay Link ,



July 28, 2004.

**5:51:39 p.m.**

R9D Discussion Regarding The Mitigation Of Traffic Plan For The 63<sup>rd</sup> Street Flyover Removal And Reconsideration Of The Vote Taken At The July 7, 2004 Commission Meeting.  
(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Discussion held.

Motion made by Commissioner Bower to reconsider the vote not to remove the 63<sup>rd</sup> Street Flyover at the previous City Commission meeting; seconded by Commissioner Garcia; Ballot vote: 4-3; Opposed: Mayor Dermer, Vice-Mayor Steinberg, and Commissioner Smith.

Javier Rodriguez from the Florida Department of Transportation, FDOT, stated that the reason for the Flyover project and the bridge repair are for public safety and safety is not negotiable. In addition the bascule bridge must be renovated and rehabilitated. The bridge renovation and rehabilitation is the longest construction time. He also gave a history of the project. He listed the safety hazards.

1. Jonathan Beloff spoke.
2. Erika Brigham spoke.
3. Steve Sonenreich, CEO of Mount Sinai Medical Center, spoke.
4. Jerry Libbin spoke.
5. Mark Weithorn spoke.
6. Rob Silvagni spoke.
7. A citizen from the City of Surfside spoke.
8. Raul Linger spoke.
9. Ann Bakst spoke.
10. Beth Gopman spoke.
11. Minette Benson spoke.
12. Jean Friedman spoke.
13. Jeremy Hyne spoke.
14. Frank Del Vecchio spoke.

Commissioner Gross agreed with Mr. Del Vecchio's statement that a collaborative process is the key. The bridge work will be done. We need the community to get together to figure out the best way to make this happen with the least amount of inconvenience. He nominated Vice-Mayor Steinberg to find out the best Mitigation of Traffic (MOT) possible and to ask FDOT not to do anything until we are comfortable that the MOT has been worked out in collaboration with the neighborhoods. He made a motion to have a collaborative process in finding out how to minimize the interference to the residents and the impact from removing the flyover and doing the repairs to the bridge. No second offered and discussion continued.

15. Harold Cobb spoke.
16. Nancy Sullivan spoke.
17. Ted Berman spoke.
18. Joseph Croheart spoke.

Motion made by Vice-Mayor Steinberg to direct Commissioner Smith, the City's representative to the Metropolitan Planning Organization (MPO), to ask the MPO to remove the funding for the flyover; seconded by Commissioner Smith; Ballot vote 3-4; Opposed: Commissioners Bower, Cruz, Garcia, and Gross.

Vice-Mayor Steinberg stated that he is disappointed that the City Manager did not provide a Fiscal Impact on this matter.

Jorge Gonzalez, City Manager, clarified that the item and the item on the previous Commission Agenda were discussion items. He is committed to do as this issue get completed, which is still evolving, at the appropriate time when measures need to be taken under consideration from a public safety perspective, both for Police and Fire, and when the operational decisions are made, the Commission will have the associated costs.

Motion made by Vice-Mayor Steinberg to direct the Legal Dpartment and the Administration to draft a straw ballot question for the November Ballot regarding preserving the flyover.

Commissioner Bower stated that she would second this motion if a straw ballot question is also placed on the November Election for the Bay Link.

Vice-Mayor Steinberg stated he would be happy to put it on the ballot.

Murray Dubbin, City Attorney, stated that a 5/7 vote is needed to place the Bay Link and the Flyover as an emergency item on the Commission Agenda for placement on the November ballot.

**Motion made by Vice-Mayor Steinberg to add, as an emergency item by 5/7 vote, both items (Bay Link and the 63<sup>rd</sup> Street flyover) to the Agenda; seconded by Commissioner Bower; Ballot vote: 4-3; Opposed: Commissioner Cruz, Garcia and Gross. Motion failed.**

Vice-Mayor Steinberg stated that an emergency meeting can be called before September 3, 2004 to place these issues on the November ballot.

**Motion made by Commissioner Bower to ask the MPO to postpone the discussion on the Flyover until there is a vote on the September meeting; seconded by Vice-Mayor Steinberg; no vote taken.**

Murray Dubbin, City Attorney, stated that it will take a 5/7 vote to put the above action on the Commission Agenda.

Mayor Dermer stated that Commissioner Smith can withdraw the item from the MPO agenda.

Commissioner Smith stated that he will withdraw the item, if it is the will of the Commission.

Mayor Dermer stated that a report should be given to the MPO that the City of Miami Beach is going to have an emergency meeting to place the 63<sup>rd</sup> Street Flyover on the November ballot.

Mayor Dermer will be calling for an emergency meeting.

#### Handout or Reference Materials

1. Letter faxed from Olga Bichachi to Mayor Dermer and Commissioners against removal of the Flyover.
2. E-mail from Frank Del Vecchio to the City Clerk's Office, dated July 25, 2004 Re:63<sup>rd</sup> Street Flyover, re" removal unjustified.
3. Sunpost newspaper article written by Vice-Mayor Richard Steinberg.
4. Fax from Ed Garson to the City Commission; Re: 63 St. Flyover, dated 7/19/04.
5. Letter from John Martinez, P.E., District Six Secretary, Florida Department of Transportation (FDOT) to Mr. Jose Luis Mesa, Director of Metropolitan Planning Organization. Re: SR A1A/Indian Creek Drive from 63<sup>rd</sup> Street to Abbot Avenue, FM Number 2499401, dated July 20, 2004.
6. Ballots
7. Two black and white computer printed photos. 1. 1915 Lincoln Road; 2. Aerial of Miami Beach dated 1922.

**10:42:30 a.m.**

R9E Discussion Regarding Funding For The Miami Beach Community Health Center (MBCHC).  
(Requested by Commissioner Luis R. Garcia, Jr.)

**ACTION:** Discussion held. **Item heard in conjunction with item C7H.** See item C7H for discussion.

Handout or Reference Materials

1. Color booklet titled "Miami Beach Community Health Center - Caring for People by People Who Care."

### **Reports and Informational Items**

A Submittal Of Greater Miami Convention And Visitor's Bureau Strategic Plan And Stated Goals.  
(City Manager's Office)

**ACTION: Written report submitted.**

B Non-City Entities Represented By City Commission:  
1. Minutes From The Performing Arts Center Trust Meeting Of June 14, 2004 And Agenda For The Meeting On July 20, 2004.  
(Requested by Commissioner Matti Herrera Bower)

**ACTION: Written report submitted.**

2. Minutes From The Bay Link Advisory Committee Meeting Of June 23, 2004 And Agenda For The Meeting On July 21, 2004.  
(Requested by Commissioner Matti Herrera Bower)

**ACTION: Written report submitted.**

**4:22:51 p.m.**

### **Addendum**

C A Presentation By The Miami Beach Transportation Management Association's Consultant, An Advertising Agency Known As "re:group," Regarding New Shuttle Service Branding Proposals For City Commission Consideration And Input.  
(Public Works)

**ACTION: Presentation given.**

Gerald Schwartz, Esq., spoke.

Representative from "re:group" Advertising Agency gave a PowerPoint presentation. "re:group" recommended naming the bus "The Local".

Motion made by Commissioner Bower to name the new shuttles "The Local"; seconded by Vice-Mayor Steinberg; Voice vote: 6-1; Opposed: Commissioner Garcia.

Handout or Reference Materials

1. Color copy of a PowerPoint presentation titled "MBTMA – Shuttle Re-branding", presented by "re:group."

**New Item:****4:43:33 p.m.**

**Motion by Commissioner Bower; seconded by Commissioner Smith; to add the Housing Authority item as an emergency item; Voice vote 7-0.**

**ACTION: Resolution 2004-25658 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Steinberg to adopt a resolution supporting the Housing Authority appeal; Voice vote: 7-0. Legal Department to prepare a resolution. **Kevin Crowder to handle.**

**Handout or Reference Materials**

1. Letter from Kathryn Haynes, Executive Director, The Housing Authority of the City of Miami Beach, to Deborah Hernandez, U. S. Department of Housing and Urban Development, dated July 13, 2004, Re: Request to Appeal FFY 2004 Annual Inflation Factor (AAF).

**End of Regular Agenda**

**Miami Beach Redevelopment Agency  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
July 28, 2004**

Chairman of the Board David Dermer  
Member of the Board Matti Herrera Bower  
Member of the Board Simon Cruz                      Absent  
Member of the Board Luis R. Garcia, Jr.  
Member of the Board Saul Gross  
Member of the Board Jose Smith  
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez  
Assistant Director Christina M. Cuervo  
Assistant Director Mayra Diaz Buttacavoli  
General Counsel Murray H. Dubbin  
Secretary Robert E. Parcher

**AGENDA**

1.     ROLL CALL

2.     OLD BUSINESS

- A     Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of June 2004.

**ACTION: Written report submitted.**

3.     NEW BUSINESS

**7:51:58 p.m.**

- A     A Resolution Of The Chairman And The Members Of The Miami Beach Redevelopment Agency Authorizing The Chairman And Secretary To Execute A Settlement Agreement By And Among East Coastline Development, Ltd., Westside Partners, Ltd., And Other Entities Collectively Known As The "Portofino Entities," And Certain Successors In Interest That Are Part Of The Related Group Of Florida, Known As The "Related Entities," And The City Of Miami Beach And The Miami Beach Redevelopment Agency, Concerning Litigation Over Certain Parcels In The South Pointe Area Of Miami Beach Known As The Alaska Parcel, Goodman Terrace, The Hinson Parcel, Blocks 51, 52 And Block 1, And Including A Portion Of The Federal Triangle, And Authorizing The Taking Of Necessary And Appropriate Steps For The Implementation Thereof. **Joint City Commission and Redevelopment Agency**

**ACTION: Heard in conjunction with R7A. Resolution No. 474-2004 adopted as amended. Settlement Agreement amended.** Motion made by Commissioner Gross to cap the height at 270 feet, incorporate the changes in the document titled: "Changes to the Settlement Agreement, Exhibits and Accompanying Approvals (as of July 28, 2004)" and also incorporate the changes in the document titled: "Blackline – compared to Agreement in July 28 Agenda"; seconded by Commissioner Bower; Voice vote: 7-0. Christina Cuervo to handle. See action R7A.

Handout or Reference Materials

1. Changes to the Settlement Agreement; Exhibits and Accompanying Approvals as of July 28, 2004.

**10:08:15 a.m.**

- B A Resolution Of The Chairman And The Members Of The Miami Beach Redevelopment Agency Ratifying An Agreement With MC Harry Associates For The Collins Park Cultural Center Improvement Project; And Appropriating Funds In An Amount Not To Exceed \$471,899 From City Center Redevelopment Area Tax Increment Funds. **Joint City Commission and Redevelopment Agency**

**ACTION: Heard in conjunction with R7B. Resolution No. 475-2004 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to appropriate funds. Tim Hemstreet to handle.

See item R7B for the discussion.

**10:06:51 a.m.**

- C A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Authorizing The Executive Director, Or His Designee To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire, And Terminate Existing Contracts As Needed From The Last Agency Meeting On July 28, 2004, Until The First Regularly Scheduled Agency Meeting In September 2004, Subject To Ratification By The Agency At Its First Regularly Scheduled Meeting On September 8, 2004. **Joint City Commission and Redevelopment Agency.**

**ACTION: Heard in conjunction with R7C. Resolution No. 476-2004 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Cruz. Gus Lopez to handle any ratification item(s). Lilia Cardillo to place on the Commission Agenda.

### **End of RDA Agenda**

Meeting adjourned at 10:04:05 .p.m.